

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES, <i>ex rel.</i> ,	:	
Deeptankar Demazumder,	:	Case No. 1:23-cv-337
	:	
Plaintiff/Relator,	:	District Judge Michael R. Barrett
	:	
v.	:	<u>FILED UNDER SEAL</u>
	:	
UNIVERSITY OF CINCINNATI	:	
COLLEGE OF MEDICINE, et al.,	:	
	:	
Defendants.	:	

UNITED STATES' NOTICE OF ELECTION
TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States¹ notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relators or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

¹ Relator’s Complaint names several plaintiff states, in addition to the United States. The United States understands that the named plaintiff states similarly intend to decline to intervene, and the United States is filing a motion for admission *pro hac vice* for counsel for the State of California to facilitate the states’ ability to notify the Court of their election.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action for good cause at any time, and to seek the dismissal of the relators' action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that the Relator's Complaint, any Amended Complaints, this Notice, and the attached proposed Order be unsealed. The United States seeks to retain the seal on the remaining previous filings in this Action, including its applications for extension of the intervention deadline (ECF Nos. 5, 8, 10, 13). The United States' applications discussed the nature and scope of the United States' investigation, and the United States has a significant interest in preserving non-public details regarding its investigation from disclosure. *See e.g. United States ex rel. Smith v. Carolina Comprehensive Health Network*, Case No. 1:16cv234, 2021 WL 325705 (M.D.N.C. Feb. 1, 2021). The *qui tam* provisions of the False Claims Act provide a procedure for the United States to report to the Court about the status of its investigation in order to demonstrate that good cause exists to extend the intervention deadline. These applications are for the Court alone, and in fact, the statute specifically provides that they may be submitted in camera. 31 U.S.C. § 3730(b)(3). Such applications should therefore remain sealed.

A proposed order accompanies this notice.

Dated: July 21, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this day of July 2025, a copy of the foregoing Notice was filed. A service copy was served via regular U.S. mail to the following:

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Defendants have not been served with copies of the foregoing Notice.

s/ Matthew J. Horwitz
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